

AF/1644



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION OF

NOELLE et al.

Group Art Unit: 1644

Application Serial No. 09/849,969

Examiner: Phillip GAMBEL

Filed: May 8, 2001

Title: TREATMENT OF DIABETES WITH ANTI-GP39 ANTIBODIES

**RECEIVED**

OCT 15 2003

TECH CENTER 1600/2900

October 9, 2003

\* \* \* \* \*

**AMENDMENT AND REPLY PURSUANT TO 37 C.F.R. § 1.116**

Mail Stop AF  
Honorable Commissioner for Patents  
P.O. Box 1450  
Washington D.C. 20231

Sir:

This is in response to the final official action dated July 24, 2003, and is timely filed.

## I. AMENDMENT

### IN THE SPECIFICATION

Please replace the paragraph beginning on page 1, line 2, that was added by the preliminary amendment filed May 8, 2001, with the following rewritten paragraph:

#### -- Cross Reference to Related Applications

This application is a continuation of U.S. Serial No. 09/080,349, filed May 18, 1998, now U.S. Patent No. 6,328,964, which issued on December 11, 2001, and which is a continuation of U.S. Serial No. 08/481,735, filed June 7, 1995, and now U.S. Patent No. 5,833,987, which issued on November 10, 1998, both of which applications are further incorporated herein by reference in their entirety. --

### IN THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Claim 1 (currently amended): A method for inhibiting or preventing T cell mediated autoimmune response tissue destruction associated with type I diabetes comprising consisting essentially of administering to a subject in need of such treatment a therapeutically or prophylactically effective amount of a gp39 antagonist selected from the group consisting of soluble CD40, CD40 fusion protein, and an anti-gp39 antibody or a fragment thereof that binds gp39;

wherein said tissue destruction associated with type I diabetes in the subject results from a cell-mediated immune reaction to a self-antigen.

Claims 2-3 (canceled)

Claim 4 (previously amended): The method of claim 1, wherein the gp39 antagonist is a fragment of an anti-gp39 antibody that binds gp39.

Claim 5 (previously amended): The method of claim 1, wherein the gp39 antagonist is an anti-gp39 antibody.